

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

FALASHA ALI,

Defendant.

2:06-cr-0160-RLH-RJJ

**ORDER**

(Motion for Certification—#98)

(Motion for Appointment of Counsel—#100)

Before the Court is Defendant's Request for Certification or Judicial Notice of Presentence Report and/or Statement of Reasons (#98). The Motion will be denied as both unnecessary and because Defendant asks the Court to certify a document he has attached to another motion. There is nothing that precludes Ali from attaching the document to a motion. However, the Court will not certify the accuracy of a document which is prepared by Defendant and is only a part of another document. Accordingly, the Motion for Certification is moot and will be denied.

Also before the Court is Defendant's Motion for Appointment of Counsel (#100) to assist him in pursuing his motion pursuant to Section 2255. He notes that the Court may appoint counsel where the complexities of the case are such that denial of counsel would amount to a denial of due process, or where the petitioner is a person of such limited education as to be incapable of presenting his claims in such a way that the Court can afford him a fair hearing. He then argues that he is suffering from mental confusion due to diagnosed mental illness.

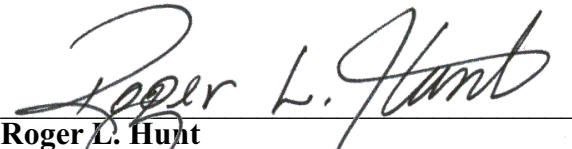
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1           The Court notes that his mental condition has been determined to be stable if he  
2 takes the prescribed medication. He, himself, has admitted to the Court in a letter sent at the time of  
3 his sentencing, that he is stable when on his medications. The fact that he is able to describe the  
4 complexities of his case and a demonstration of his ability to present his claims sufficiently is amply  
5 demonstrated by the Defendant's Motion Pursuant to 28 U.S.C. §2255 to Vacate, Set Aside or  
6 Correct Sentence by a Person in Federal Custody (#95, filed June 2, 2010). The Motion, including  
7 the memorandum of law, totals 285 pages. Defendant filed an 87-page Reply (#105) to the  
8 Government's response. Although he often repeated his arguments under different claims, he  
9 sentences were clear and articulate. He is clearly capable of presenting his claims and the complexi-  
10 ties of the case are clearly within his grasp. Accordingly, this motion will also be denied.

11           IT IS THEREFORE ORDERED that Defendant's Request for Certification or  
12 Judicial Notice of Presentence Report and/or Statement of Reasons (#98) is DENIED.

13           IT IS FURTHER ORDERED that Defendant's Motion for Appointment of Counsel  
14 (#100) is DENIED.

15           Dated: November 17, 2010.

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18 **Roger L. Hunt**  
19 **Chief United States District Judge**  
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